

House Study Bill 105

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to campaign finance by requiring electronic
2 filing of certain reports and by establishing an Iowa
3 voter-owned clean elections Act, providing for funding of the
4 Act, including an income tax checkoff and a sales tax imposed
5 on political advertising, and providing an income tax
6 exemption, penalties, and an effective date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1668HC 82
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1 1 Section 1. NEW SECTION. 68A.401A ELECTRONIC FILING.
1 2 Reports filed with the board pursuant to the requirements
1 3 of section 68A.401 shall be filed in an electronic format if a
1 4 candidate or committee accepts contributions in excess of
1 5 twenty thousand dollars in the aggregate, makes expenditures
1 6 in excess of twenty thousand dollars in the aggregate, or
1 7 incurs indebtedness in excess of twenty thousand dollars in
1 8 the aggregate. The board shall establish a system to verify
1 9 the identity of the person filing the report.
1 10 Sec. 2. NEW SECTION. 68A.401B MEDIA REPORTS.
1 11 1. a. Publishers of print and electronic media shall
1 12 record all purchases of print media space and electronic media
1 13 time or space related to advertisements that expressly
1 14 advocate the election or defeat of a clearly identified
1 15 candidate or the passage or defeat of a clearly identified
1 16 ballot issue.
1 17 b. Publishers shall file monthly reports of activity
1 18 covered by this section with the board, due at the board or
1 19 postmarked by the fifth day of each month following any month
1 20 in which media space or time has been purchased related to
1 21 advertisements that expressly advocate the election or defeat
1 22 of a clearly identified candidate or the passage or defeat of
1 23 a ballot issue.
1 24 c. The reports shall contain a detailed listing of at
1 25 least the following information:
1 26 (1) Identification of the persons buying the media space
1 27 or time.
1 28 (2) Identification of the candidate or ballot issue that
1 29 is clearly identified in the advertisement.
1 30 (3) Description of the position advocated by the persons
1 31 buying the media space or time with regard to the clearly
1 32 identified candidate or ballot issue.
1 33 (4) The dates on which the purchase took place, and the
1 34 dates for which the media space or time was purchased.
1 35 (5) The cost of the media space or time.
2 1 2. The filing requirements of this section shall apply in
2 2 addition to any other applicable filing requirements under
2 3 this chapter.
2 4 3. The board shall develop, prescribe, furnish, and
2 5 distribute forms for the media reports.
2 6 Sec. 3. Section 68A.403, subsection 1, Code 2007, is
2 7 amended to read as follows:
2 8 1. A Unless filed in an electronic format according to
2 9 section 68A.401, a report or statement required to be filed
2 10 under this chapter shall be signed by the person filing the
2 11 report.
2 12 Sec. 4. Section 68A.603, Code 2007, is amended to read as
2 13 follows:
2 14 68A.603 RULES PROMULGATED.

2 15 The ethics and campaign disclosure board shall administer
2 16 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
2 17 and 68A.604 through 68A.610 and shall promulgate all necessary
2 18 rules in accordance with chapter 17A.

2 19 Sec. 5. NEW SECTION. 68A.610 CHECKOFF == INCOME TAX ==
2 20 IOWA VOTER=OWNED CLEAN ELECTIONS FUND.

2 21 A person whose state income tax liability for any taxable
2 22 year is five dollars or more may direct that five dollars of
2 23 that liability be paid over to the Iowa voter-owned clean
2 24 elections fund, as established in section 68A.823, when
2 25 submitting the person's state income tax return to the
2 26 department of revenue. In the case of a joint return of
2 27 husband and wife having a state income tax liability of ten
2 28 dollars or more, each spouse may direct that five dollars be
2 29 paid to the fund. The director of revenue shall provide space
2 30 for the Iowa voter-owned clean elections fund income tax
2 31 checkoff on the income tax form. An explanation shall be
2 32 included which clearly states that this checkoff does not
2 33 constitute an additional tax liability. The action taken by a
2 34 person for the checkoff is irrevocable.

2 35 Sec. 6. NEW SECTION. 68A.801 DEFINITIONS.

3 1 For the purposes of this subchapter:

3 2 1. "Allowable contribution" means a qualifying
3 3 contribution or a seed money contribution.

3 4 2. "Board" means the Iowa ethics and campaign disclosure
3 5 board established under section 68B.32.

3 6 3. "Clean election qualifying period" means the period
3 7 during which candidates are permitted to collect qualifying
3 8 contributions in order to qualify for clean money campaign
3 9 funding. The period begins ninety days before the beginning
3 10 of the primary election campaign period and ends thirty days
3 11 before the beginning of the primary election campaign period.

3 12 4. "Coordination" means a payment made for a communication
3 13 or anything of value that is for the purpose of influencing
3 14 the outcome of an election and that is made by a person
3 15 according to at least one of the following:

3 16 a. In cooperation, consultation, or concert with, at the
3 17 request or suggestion of, or pursuant to, a particular
3 18 understanding with a candidate, a candidate's committee, or an
3 19 agent acting on behalf of a candidate or candidate's
3 20 committee.

3 21 b. For the dissemination, distribution, or republication,
3 22 in whole or in part, of any broadcast or any written, graphic,
3 23 or other form of campaign material prepared by a candidate, a
3 24 candidate's committee, or an agent of a candidate or
3 25 candidate's committee.

3 26 c. Based on specific information about the candidate's
3 27 plans, projects, or needs provided to the person making the
3 28 payment by the candidate or the candidate's agent who provides
3 29 the information with a view toward having the payment made.

3 30 d. If, in the same election cycle in which the payment is
3 31 made, the person making the payment is serving or has served
3 32 as a member, employee, fundraiser, or agent of the candidate
3 33 or candidate's committee in an executive or policymaking
3 34 position.

3 35 e. If the person making the payment has served in any
4 1 formal policy or advisory position with the candidate's
4 2 campaign or has participated in strategic or policymaking
4 3 discussions with the candidate's campaign relating to the
4 4 candidate's pursuit of nomination for election, or election,
4 5 to office, in the same election cycle as the election cycle in
4 6 which the payment is made.

4 7 f. If the person making the payment retains the
4 8 professional services of an individual or person who, in a
4 9 nonministerial capacity, has provided or is providing
4 10 campaign-related services in the same election cycle to a
4 11 candidate who is pursuing the same nomination or election as
4 12 any of the candidates to whom the communication refers. For
4 13 purposes of this section, "professional services" includes
4 14 services in support of a candidate's pursuit of nomination for
4 15 election or election to office such as polling, media advice,
4 16 direct mail, fundraising, or campaign research services.

4 17 5. "Electioneering communication" means any communication
4 18 that refers to a clearly identified candidate for elected
4 19 public office, if the communication has the effect of
4 20 encouraging or discouraging a vote for the candidate,
4 21 regardless of whether the communication expressly advocates a
4 22 vote for or against the candidate.

4 23 6. "Excess expenditure amount" means the amount of money
4 24 spent or obligated to be spent by a nonparticipating candidate
4 25 in excess of the clean money amount available to a

4 26 participating candidate running for the same office.

4 27 7. "Express advocacy" means the same as defined in section
4 28 68A.102.

4 29 8. "General election campaign period" means the period
4 30 beginning the day after the primary election and ending on the
4 31 day of the general election.

4 32 9. "Independent candidate" means a candidate who does not
4 33 represent a political party that has been granted ballot
4 34 status and that holds a primary election to choose its nominee
4 35 for the general election.

5 1 10. "Independent expenditure" means an expenditure made by
5 2 a person or group of persons other than a candidate or
5 3 candidate's committee that meets both of the following
5 4 conditions:

5 5 a. The expenditure is made for a communication that
5 6 contains express advocacy.

5 7 b. The expenditure is made without the participation or
5 8 cooperation of and without coordination with a candidate or a
5 9 candidate's committee.

5 10 11. "Nonparticipating candidate" means a candidate who is
5 11 on the ballot but has chosen not to apply for clean election
5 12 campaign funding, or a candidate who is on the ballot and has
5 13 applied for but has not satisfied the requirements for
5 14 receiving clean election campaign funding.

5 15 12. "Participating candidate" means a candidate who
5 16 qualifies for clean election campaign funding. Such
5 17 candidates are eligible to receive clean election campaign
5 18 funding during primary or general election campaign periods.

5 19 13. "Party candidate" means a candidate who represents a
5 20 political party as defined by section 43.2.

5 21 14. "Primary election campaign period" means the period
5 22 beginning ninety days before the primary election and ending
5 23 on the day of the primary election.

5 24 15. "Qualifying contribution" means a contribution of five
5 25 dollars that is received during the designated clean election
5 26 qualifying period by a candidate seeking to become eligible
5 27 for clean election campaign funding and that is acknowledged
5 28 by a written receipt identifying the contributor.

5 29 16. "Seed money contribution" means a contribution of no
5 30 more than one hundred dollars made by an individual adult
5 31 during the seed money period, but specifically excludes all of
5 32 the following:

5 33 a. Payments by a membership organization for the costs of
5 34 communications to its members.

5 35 b. Payments by a membership organization for the purpose
6 1 of facilitating the making of qualifying contributions.

6 2 c. The cash value of volunteer activity, including the
6 3 payment of incidental expenses of volunteers.

6 4 17. "Seed money period" means the period beginning the day
6 5 following the previous general election for that office and
6 6 ending on the last day of the clean election qualifying
6 7 period. This is the exploratory period during which
6 8 candidates who wish to become eligible for clean election
6 9 campaign funding for the next elections are permitted to raise
6 10 and spend a limited amount of private seed money, from
6 11 contributions of up to one hundred dollars per individual, for
6 12 the purpose of determining whether to become a candidate and
6 13 fulfilling the clean election eligibility requirements.

6 14 Sec. 7. NEW SECTION. 68A.802 ELIGIBILITY FOR PARTY
6 15 CANDIDATES.

6 16 1. A party candidate qualifies as a participating
6 17 candidate for the primary election campaign period if the
6 18 candidate does both of the following:

6 19 a. The candidate files a declaration with the board that
6 20 the candidate has complied and will comply with all of the
6 21 requirements of this subchapter, including the requirement
6 22 that during the seed money period and the clean election
6 23 qualifying period the candidate not accept or spend private
6 24 contributions from any source other than seed money
6 25 contributions and clean election qualifying contributions,
6 26 unless the provisions of section 68A.804 apply.

6 27 b. The candidate meets both of the following qualifying
6 28 contribution requirements before the close of the clean
6 29 election qualifying period:

6 30 (1) A party candidate must collect both qualifying
6 31 contributions and signatures as follows:

6 32 (a) For the office of governor, from five hundred
6 33 registered voters in each congressional district.

6 34 (b) For statewide office other than governor, from two
6 35 hundred fifty registered voters in each congressional

7 1 district.

7 2 (c) For the Iowa senate, from two hundred registered
7 3 voters in the senate candidate's electoral district.
7 4 (d) For the Iowa house of representatives, from one
7 5 hundred registered voters in the house candidate's electoral
7 6 district.

7 7 (2) Each qualifying contribution must meet all
7 8 requirements of this section.

7 9 2. Contributors shall be registered voters who reside
7 10 within the candidate's electoral district and who are
7 11 therefore eligible to vote for that candidate.

7 12 3. Qualifying contributions shall be:

7 13 a. Made in cash, check, money order, or credit or debit
7 14 card.

7 15 b. Gathered by the candidate personally or by volunteers
7 16 who do not receive compensation.

7 17 c. Acknowledged by a receipt to the contributor, with a
7 18 copy to be kept by the candidate and a third copy to be
7 19 submitted to the board. The receipt shall include a signed
7 20 statement that the contributor understands that the purpose of
7 21 the contribution is to help the candidate qualify for campaign
7 22 funding and that the contribution is made without coercion or
7 23 reimbursement. The receipt shall include the contributor's
7 24 signature, printed name, home address, and telephone number,
7 25 and the name of the candidate on whose behalf the contribution
7 26 is made.

7 27 d. Turned over to the board for deposit in the Iowa
7 28 voter-owned clean elections fund established under section
7 29 68A.823, with the signed and completed receipt, according to a
7 30 schedule and procedure to be determined by the board. A
7 31 contribution submitted as a qualifying contribution that does
7 32 not include the signed and completed receipt shall not be
7 33 counted as a qualifying contribution.

7 34 4. A party candidate qualifies as a participating
7 35 candidate for the general election campaign period when the
8 1 candidate does both of the following:

8 2 a. The candidate has met all of the applicable
8 3 requirements of this subchapter and filed a declaration with
8 4 the board that the candidate has fulfilled and will fulfill
8 5 all of the requirements of a participating candidate as stated
8 6 in this subchapter.

8 7 b. As a participating candidate during the primary
8 8 election campaign period, the candidate had the highest number
8 9 of votes of the candidates contesting the primary election
8 10 from the candidate's respective party and won the party's
8 11 nomination.

8 12 Sec. 8. NEW SECTION. 68A.803 ELIGIBILITY FOR INDEPENDENT
8 13 CANDIDATES.

8 14 1. An independent candidate qualifies as a participating
8 15 candidate for the primary election campaign period if the
8 16 candidate does both of the following:

8 17 a. The candidate files a declaration with the board that
8 18 the candidate has complied and will comply with all of the
8 19 requirements of this subchapter, including the requirement
8 20 that during the seed money period and the clean election
8 21 qualifying period the candidate not accept or spend private
8 22 contributions from any source other than seed money
8 23 contributions and clean election qualifying contributions,
8 24 unless the provisions of section 68A.804 apply.

8 25 b. The candidate meets the following qualifying
8 26 contribution requirements before the close of the clean
8 27 election qualifying period:

8 28 (1) An independent candidate shall collect the same number
8 29 of qualifying contributions as required of a party candidate
8 30 for the same office under section 68A.802.

8 31 (2) Each qualifying contribution must meet all
8 32 requirements of this section.

8 33 2. Contributors shall be registered voters who reside
8 34 within the candidate's electoral district and who are
8 35 therefore eligible to vote for that candidate.

9 1 3. Qualifying contributions shall be:

9 2 a. Made in cash, check, money order, or credit or debit
9 3 card.

9 4 b. Gathered by the candidate personally or by volunteers
9 5 who do not receive compensation.

9 6 c. Acknowledged by a receipt to the contributor, with a
9 7 copy to be kept by the candidate and a third copy to be
9 8 submitted to the board. The receipt shall include a signed
9 9 statement that the contributor understands that the purpose of
9 10 the contribution is to help the candidate qualify for clean
9 11 election campaign funding and that the contribution is made
9 12 without coercion or reimbursement. The receipt shall include

9 13 the contributor's signature, printed name, home address, and
9 14 telephone number, and the name of the candidate on whose
9 15 behalf the contribution is made.

9 16 d. Turned over to the board for deposit in the Iowa
9 17 voter-owned clean elections fund established under section
9 18 68A.823, with the signed and completed receipt, according to a
9 19 schedule and procedure to be determined by the board. A
9 20 contribution submitted as a qualifying contribution that does
9 21 not include the signed and completed receipt shall not be
9 22 counted as a qualifying contribution.

9 23 4. An independent candidate qualifies as a participating
9 24 candidate for the general election campaign period when the
9 25 candidate does both of the following:

9 26 a. If, prior to the primary election, the candidate has
9 27 met all of the applicable requirements of this subchapter and
9 28 filed a declaration with the board that the candidate has
9 29 fulfilled and will fulfill all of the requirements of a
9 30 participating candidate as stated in this subchapter.

9 31 b. If, during the primary election campaign period, the
9 32 candidate has fulfilled all the requirements of a
9 33 participating candidate as stated in this subchapter.

9 34 Sec. 9. NEW SECTION. 68A.804 TRANSITION RULE FOR CURRENT
9 35 ELECTION CYCLE.

10 1 During the election cycle in effect on the date of
10 2 enactment of this subchapter, a candidate may be certified as
10 3 a participating candidate, notwithstanding the acceptance of
10 4 contributions or making of expenditures from private funds
10 5 before the date of enactment that would, absent this section,
10 6 disqualify the candidate as a participating candidate,
10 7 provided that any private funds accepted but not expended
10 8 before the date of enactment of this subchapter shall either
10 9 be returned to the contributor or submitted to the board for
10 10 deposit in the Iowa voter-owned clean elections fund
10 11 established under section 68A.823.

10 12 Sec. 10. NEW SECTION. 68A.805 CONTINUING OBLIGATION TO
10 13 COMPLY.

10 14 A participating candidate who accepts any benefits under
10 15 section 68A.813 during the primary election campaign period
10 16 shall comply with all the requirements of this subchapter
10 17 through any remaining time during the primary election
10 18 campaign period as well as through the general election
10 19 campaign period whether or not the candidate continues to
10 20 accept benefits.

10 21 Sec. 11. NEW SECTION. 68A.806 CONTRIBUTIONS AND
10 22 EXPENDITURES.

10 23 1. During the primary and general election campaign
10 24 periods, a participating candidate who has voluntarily agreed
10 25 to participate in clean election campaign financing shall not
10 26 accept private contributions from any source other than the
10 27 candidate's political party as specified in section 68A.808.

10 28 2. A person shall not make a contribution in violation of
10 29 section 68A.502. A participating candidate who receives a
10 30 qualifying contribution or a seed money contribution that is
10 31 not from the person listed on the receipt as required by this
10 32 subchapter shall pay to the board for deposit in the Iowa
10 33 voter-owned clean elections fund established under section
10 34 68A.823 the entire amount of such contribution.

10 35 3. The board shall issue each participating candidate a
11 1 card known as the "clean election campaign debit card", and a
11 2 line of debit entitling the candidate to draw clean election
11 3 campaign funds to pay for all campaign costs and expenses up
11 4 to the amount of funding the candidate has received. A
11 5 participating candidate shall not pay campaign costs by cash,
11 6 check, money order, loan, or by any other financial means
11 7 other than debit card. During the primary and general
11 8 election campaign periods, a participating candidate shall pay
11 9 by means of the board's clean election campaign debit card.

11 10 4. Eligible candidates shall furnish complete campaign
11 11 records, including all records of seed money contributions and
11 12 qualifying contributions, to the board at regular filing
11 13 times, or on request by the board. Candidates shall cooperate
11 14 with any audit or examination conducted or ordered by the
11 15 board.

11 16 Sec. 12. NEW SECTION. 68A.807 NONPARTICIPATING
11 17 CANDIDATES == CONTRIBUTION LIMITS.

11 18 Nonparticipating candidates shall be subject to the
11 19 following contribution limits:

11 20 1. Candidates for statewide office:

11 21 a. One thousand dollars in the aggregate per individual
11 22 contribution.

11 23 b. Five thousand dollars in the aggregate per political

11 24 committee contribution.
11 25 2. Candidates for the Iowa senate and house of
11 26 representatives:
11 27 a. Five hundred dollars in the aggregate per individual
11 28 contribution.
11 29 b. One thousand dollars in the aggregate per political
11 30 committee contribution.
11 31 Sec. 13. NEW SECTION. 68A.808 POLITICAL PARTY
11 32 CONTRIBUTIONS AND EXPENDITURES.
11 33 1. Participating candidates may accept monetary or in-kind
11 34 contributions from political parties provided that the
11 35 aggregate amount of such contributions from all political
12 1 party committees combined does not exceed the equivalent of
12 2 five percent of the clean election financing amount for that
12 3 office.
12 4 2. In-kind contributions made during a general election
12 5 campaign period on behalf of a group of the party's candidates
12 6 shall not be considered a prohibited party contribution or
12 7 count against the five percent limit established in subsection
12 8 1 if such group includes at least fifty-one percent of the
12 9 candidates whose names will appear on the general election
12 10 ballot in the political subdivision represented by the party
12 11 committee making such in-kind contributions.
12 12 3. Contributions made to, and expenditures made by,
12 13 political parties during primary and general campaign periods
12 14 shall be reported to the board on the same basis as
12 15 contributions and expenditures made to or by candidates.
12 16 4. This section and this subchapter shall not prevent
12 17 political party funds from being used for any of the
12 18 following:
12 19 a. General operating expenses of the party.
12 20 b. Conventions.
12 21 c. Nominating and endorsing candidates.
12 22 d. Identifying, researching, and developing the party's
12 23 positions on issues.
12 24 e. Party platform activities.
12 25 f. Noncandidate-specific voter registration.
12 26 g. Noncandidate-specific get-out-the-vote drives.
12 27 h. Travel expenses for noncandidate party leaders and
12 28 staff.
12 29 i. Other noncandidate-specific party-building activities,
12 30 as defined by rule of the board.
12 31 Sec. 14. NEW SECTION. 68A.809 USE OF PERSONAL FUNDS.
12 32 1. Personal funds contributed as seed money by a candidate
12 33 seeking to become eligible as a participating candidate or by
12 34 the candidate's spouse shall not exceed one hundred dollars
12 35 per contributor.
13 1 2. Personal funds shall not be used to meet the qualifying
13 2 contribution requirement except for one five-dollar
13 3 contribution from the candidate and one five-dollar
13 4 contribution from the candidate's spouse.
13 5 Sec. 15. NEW SECTION. 68A.810 SEED MONEY.
13 6 1. The only private contributions a candidate seeking to
13 7 become eligible for clean election campaign funding shall
13 8 accept, other than qualifying contributions, are seed money
13 9 contributions contributed by individual adults prior to the
13 10 end of the clean election qualifying period.
13 11 2. A seed money contribution shall not exceed one hundred
13 12 dollars, and the aggregate amount of seed money contributions
13 13 accepted by a candidate seeking to become eligible for clean
13 14 money campaign funding shall not exceed the relevant limit, as
13 15 follows:
13 16 a. Twenty-five thousand dollars for a candidate team
13 17 running for governor and lieutenant governor.
13 18 b. Fifteen thousand dollars for a candidate running for
13 19 statewide office other than governor or lieutenant governor.
13 20 c. Two thousand dollars for a candidate running for the
13 21 Iowa senate.
13 22 d. One thousand dollars for a candidate running for the
13 23 Iowa house of representatives.
13 24 3. Receipts for seed money contributions shall include the
13 25 contributor's signature, printed name, street address and zip
13 26 code, telephone number, occupation, and name of employer.
13 27 Contributions shall not be accepted if the required disclosure
13 28 information is not received.
13 29 4. Seed money shall be spent only during the clean
13 30 election qualifying period. Seed money shall not be spent
13 31 during the primary or general election campaign periods.
13 32 5. Within forty-eight hours after the close of the clean
13 33 election qualifying period, candidates seeking to become
13 34 eligible for clean election campaign funding shall do both of

13 35 the following:

14 1 a. Fully disclose all seed money contributions and
14 2 expenditures to the board.
14 3 b. Turn over to the board for deposit in the Iowa
14 4 voter-owned clean elections fund any seed money the candidate
14 5 has raised during the designated seed money period that
14 6 exceeds the aggregate seed money limit.

14 7 Sec. 16. NEW SECTION. 68A.811 PARTICIPATION IN DEBATES.

14 8 1. Participating candidates in contested races shall
14 9 participate in all of the following:

14 10 a. For the offices of governor and lieutenant governor:

14 11 (1) One one-hour debate during a contested primary
14 12 election.

14 13 (2) Two one-hour debates during a contested general
14 14 election.

14 15 b. For all other offices:

14 16 (1) One one-hour debate during a contested primary
14 17 election.

14 18 (2) One one-hour debate during a contested general
14 19 election.

14 20 2. Nonparticipating candidates for the same office whose
14 21 names will appear on the ballot shall be invited to join the
14 22 debates.

14 23 Sec. 17. NEW SECTION. 68A.812 CERTIFICATION.

14 24 1. No more than five days after a candidate applies for
14 25 clean election campaign funding benefits, the board shall
14 26 certify that the candidate is or is not eligible.

14 27 2. Eligibility can be revoked if the candidate violates
14 28 the requirements of this subchapter, in which case all clean
14 29 election campaign funds shall be repaid.

14 30 3. The candidate's request for certification shall be
14 31 signed by the candidate and the treasurer of the candidate's
14 32 committee under penalty of perjury.

14 33 4. The board's determination is final except that it is
14 34 subject to examination and audit by an outside agency
14 35 according to rule and to prompt judicial review according to
15 1 rule and chapter 17A.

15 2 Sec. 18. NEW SECTION. 68A.813 BENEFITS PROVIDED TO
15 3 CANDIDATES ELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN
15 4 FUNDING.

15 5 1. Candidates who qualify for clean election campaign
15 6 funding for primary and general elections shall receive all of
15 7 the following:

15 8 a. Clean election campaign funding from the board for each
15 9 election, the amount of which is specified in section 68A.815.

15 10 This funding may be used to finance any and all campaign
15 11 expenses during the particular campaign period for which it
15 12 was received.

15 13 b. Media benefits as provided for in section 68A.822.

15 14 c. Additional clean election campaign funding to match any
15 15 excess expenditure amount spent by a nonparticipating
15 16 candidate, as specified in section 68A.817.

15 17 d. Additional clean election campaign funding to match any
15 18 independent expenditure made in opposition to their
15 19 candidacies or on behalf of their opponents' candidacies, as
15 20 specified in section 68A.819.

15 21 e. Additional clean election funding to match any
15 22 electioneering communication expenditure, as specified in
15 23 section 68A.820.

15 24 2. The maximum aggregate amount of additional funding a
15 25 participating candidate shall receive to match independent
15 26 expenditures and the excess expenditures of nonparticipating
15 27 candidates shall be two hundred percent of the full amount of
15 28 clean election campaign funding allocated to a participating
15 29 candidate for a particular primary or general election
15 30 campaign period.

15 31 Sec. 19. NEW SECTION. 68A.814 SCHEDULE OF CLEAN ELECTION
15 32 CAMPAIGN FUNDING PAYMENTS.

15 33 1. An eligible candidate shall receive clean election
15 34 campaign funding for the primary election campaign period on
15 35 the date on which the board certifies the candidate as a
16 1 participating candidate. This certification shall take place
16 2 no later than five days after the candidate has submitted the
16 3 required number of qualifying contributions and a declaration
16 4 stating that the candidate has complied with all other
16 5 requirements for eligibility as a participating candidate, but
16 6 no earlier than the beginning of the primary election campaign
16 7 period.

16 8 2. An eligible candidate shall receive clean election
16 9 campaign funding for the general election campaign period
16 10 within forty-eight hours after certification of the primary

16 11 election results.

16 12 Sec. 20. NEW SECTION. 68A.815 DETERMINATION OF CLEAN
16 13 ELECTION CAMPAIGN FUNDING AMOUNTS.

16 14 1. a. For party candidates, the amount of clean election
16 15 campaign funding for a contested primary election is as
16 16 follows:

16 17 (1) Seven hundred fifty thousand dollars for a candidate
16 18 team running for governor and lieutenant governor.

16 19 (2) Seventy-five thousand dollars for a candidate for
16 20 attorney general.

16 21 (3) Fifty thousand dollars for a candidate for statewide
16 22 office other than governor, lieutenant governor, or attorney
16 23 general.

16 24 (4) Twenty-two thousand five hundred dollars for a
16 25 candidate running for the Iowa senate.

16 26 (5) Fifteen thousand dollars for a candidate running for
16 27 the Iowa house of representatives.

16 28 b. The clean election campaign funding amount for an
16 29 eligible party candidate in an uncontested primary election is
16 30 twenty-five percent of the amount provided in a contested
16 31 primary election.

16 32 c. In a contested general election, if an eligible party
16 33 candidate or all of the candidates of the candidate's party
16 34 combined received at least twenty percent of the total number
16 35 of votes cast for all candidates seeking that office in the
17 1 most recent primary election or in the previous general
17 2 election, the candidate shall receive the full amount of clean
17 3 election campaign funding for the general election, as
17 4 follows:

17 5 (1) Three million dollars for a candidate team running for
17 6 governor and lieutenant governor.

17 7 (2) Two hundred thousand dollars for a candidate for
17 8 statewide office other than governor and lieutenant governor.

17 9 (3) Forty thousand dollars for a candidate running for the
17 10 Iowa senate.

17 11 (4) Thirty thousand dollars for a candidate running for
17 12 the Iowa house of representatives.

17 13 d. The clean election campaign funding amount for an
17 14 eligible party candidate in an uncontested general election is
17 15 ten percent of the amount provided in a contested general
17 16 election for the same office.

17 17 2. a. For eligible independent candidates, the clean
17 18 election campaign funding amount for the primary election
17 19 campaign period is twenty-five percent of the amount of clean
17 20 election funding received by a party candidate in a contested
17 21 primary election for the same office.

17 22 b. The clean election campaign funding amount for an
17 23 eligible independent candidate in the general election is the
17 24 same as the full amount received by a party candidate in the
17 25 general election for the same office.

17 26 c. After the first cycle of clean election fund elections,
17 27 the board shall modify all clean election campaign funding
17 28 amounts based on the percentage increase in the consumer price
17 29 index, for all urban consumers, United States city average, as
17 30 published in the federal register by the United States
17 31 department of labor, bureau of labor statistics, that reflects
17 32 the percentage increase in the consumer price index for the
17 33 twelve-month period ending December 31 of the previous year.

17 34 Sec. 21. NEW SECTION. 68A.816 EXPENDITURES MADE WITH
17 35 CLEAN ELECTION CAMPAIGN FUNDS.

18 1 1. The clean election campaign funding received by a
18 2 participating candidate shall be used only for the purpose of
18 3 defraying that candidate's campaign-related expenses during
18 4 the particular election campaign period for which the clean
18 5 election campaign funding was received.

18 6 2. Payments shall not be used for the following:

18 7 a. Payments that are in violation of the law.

18 8 b. Payments that repay any personal, family, or business
18 9 loans, expenditures, or debts.

18 10 Sec. 22. NEW SECTION. 68A.817 DISCLOSURE OF EXCESS
18 11 SPENDING BY NONPARTICIPATING CANDIDATES.

18 12 1. If a nonparticipating candidate's total expenditures
18 13 exceed the amount of clean election campaign funding allocated
18 14 to the candidate's clean election opponent, the candidate
18 15 shall declare to the board within forty-eight hours every
18 16 excess expenditure amount that, in the aggregate, is more than
18 17 one thousand dollars.

18 18 2. During the last twenty days before the end of the
18 19 relevant campaign period, a nonparticipating candidate shall
18 20 declare to the board each excess expenditure amount over five
18 21 hundred dollars within twenty-four hours of when the

18 22 expenditure is made or obligated to be made.
18 23 3. The board may make its own determination as to whether
18 24 excess expenditures have been made by nonparticipating
18 25 candidates.

18 26 4. Upon receiving an excess expenditure declaration, the
18 27 board shall immediately release additional clean election
18 28 campaign funding to the opposing participating candidate or
18 29 candidates equal to the excess expenditure amount the
18 30 nonparticipating candidate has spent or intends to spend,
18 31 subject to the limit set forth in section 68A.813.

18 32 Sec. 23. NEW SECTION. 68A.818 CAMPAIGN ADVERTISEMENTS.
18 33 All broadcast and print advertisements placed by candidates
18 34 or candidate's committees shall include a clear written or
18 35 spoken statement indicating that the candidate has approved of
19 1 the contents of the advertisement.

19 2 Sec. 24. NEW SECTION. 68A.819 DISCLOSURE OF INDEPENDENT
19 3 EXPENDITURES == ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDING.

19 4 1. Any person or group of persons who makes or obligates
19 5 to make an independent expenditure during a primary or general
19 6 election campaign period which, in the aggregate, exceeds one
19 7 thousand dollars, shall report each expenditure within forty=
19 8 eight hours to the board.

19 9 2. The report to the board shall include a statement,
19 10 under penalty of perjury, by the person or persons making the
19 11 independent expenditure identifying the candidate whom the
19 12 independent expenditure is intended to help elect or defeat
19 13 and affirming that the expenditure is totally independent and
19 14 involves no coordination with a candidate or a political
19 15 party.

19 16 a. An individual or organization may file a complaint with
19 17 the board if the candidate or the organization believes that
19 18 the statement according to this subsection is false.

19 19 b. A hearing on a complaint under this subsection shall be
19 20 held within three business days of filing and a decision
19 21 issued within seven days of filing.

19 22 3. Any person or group of persons who makes or obligates
19 23 to make an independent expenditure during the last twenty days
19 24 before the end of the relevant campaign period which, in the
19 25 aggregate, exceeds five hundred dollars, shall report each
19 26 expenditure within twenty=four hours to the board.

19 27 4. Upon receiving a report that an independent expenditure
19 28 has been made or obligated to be made, the board shall
19 29 immediately release additional clean election funding, equal
19 30 in amount to the cost of the independent expenditure, to all
19 31 participating candidates whom the independent expenditure is
19 32 intended to oppose or defeat provided that the maximum
19 33 aggregate amount of additional funding a participating
19 34 candidate shall receive to match independent expenditures and
19 35 the excess expenditures of nonparticipating candidates is no
20 1 more than two hundred percent of the full amount of clean
20 2 election funding allocated to a participating candidate in
20 3 that election.

20 4 Sec. 25. NEW SECTION. 68A.820 DEFINITION AND DISCLOSURE
20 5 OF ELECTIONEERING COMMUNICATIONS == ADDITIONAL CLEAN ELECTION
20 6 CAMPAIGN FUNDING.

20 7 1. A person who makes or obligates to make a disbursement
20 8 to purchase an electioneering communication shall file a
20 9 report with the board not later than forty=eight hours after
20 10 making or obligating to make the disbursement, containing the
20 11 following information:

20 12 a. The amount of the disbursement.

20 13 b. The name and address of the person making the
20 14 disbursement.

20 15 c. The purpose of the electioneering communication.

20 16 2. Upon receiving a report that an electioneering
20 17 communication has been made or obligated to be made, and upon
20 18 determination that the electioneering communication can
20 19 reasonably be interpreted as having the effect of promoting
20 20 the defeat of a participating candidate or the election of
20 21 that candidate's opponent, the board shall immediately release
20 22 to that candidate additional clean election funding, equal in
20 23 amount to the cost of the electioneering communication.

20 24 Sec. 26. NEW SECTION. 68A.821 VOTER INFORMATION PROGRAM.

20 25 1. The board shall establish and administer a nonpartisan
20 26 voter information program, including an advisory council
20 27 consisting of representatives of nonprofit organizations,
20 28 political parties, the media, and interested citizens.

20 29 2. The voter information program advisory council may
20 30 establish a voter information program for the purpose of
20 31 providing voters with election=related information and
20 32 fostering political dialogue and debate.

20 33 3. The voter information program advisory council shall
20 34 organize the publication and distribution of a voter
20 35 information guide that includes important information about
21 1 the following issues:

- 21 2 a. Candidates appearing on the ballot, including
21 3 biographical material submitted by the candidates.
- 21 4 b. Whether candidates are funding their campaigns with
21 5 public money or private money.
- 21 6 c. Policy statements by the candidates or their political
21 7 parties on issues designated by the council and other issues.
- 21 8 d. Candidates' voting records.

21 9 Sec. 27. NEW SECTION. 68A.822 BROADCAST DEBATES.

- 21 10 1. All public television and radio broadcast stations
21 11 funded in whole or in part by the state shall make available
21 12 free coverage for candidate debates in contested primary and
21 13 general elections. The minimum amount of time that
21 14 broadcasters shall broadcast, and participating candidates
21 15 shall participate in, shall be as follows:
 - 21 16 a. For the office of governor and lieutenant governor:
 - 21 17 (1) One one-hour debate during a contested primary
21 18 election.
 - 21 19 (2) Two one-hour debates during a contested general
21 20 election.
 - 21 21 b. For all other offices:
 - 21 22 (1) One one-hour debate during a contested primary
21 23 election.
 - 21 24 (2) One one-hour debate during a contested general
21 25 election.
- 21 26 2. All participating candidates shall participate in the
21 27 debates and all nonparticipating candidates for the same
21 28 office whose names will appear on the ballot shall be invited
21 29 to join the debates.

21 30 Sec. 28. NEW SECTION. 68A.823 IOWA VOTER-OWNED CLEAN
21 31 ELECTIONS FUND == NATURE AND PURPOSES.

- 21 32 1. An Iowa voter-owned clean elections fund is established
21 33 as a separate fund within the office of the state treasurer,
21 34 under the control of the board, for the following purposes:
 - 21 35 a. Providing public financing for the election campaigns
22 1 of certified participating candidates during primary election
22 2 and general election campaign periods.
 - 22 3 b. Paying for the administrative and enforcement costs of
22 4 the board in relation to this subchapter.
- 22 5 2. The fund shall consist of moneys received according to
22 6 section 68A.824. Notwithstanding section 8.33, unencumbered
22 7 or unobligated moneys and any interest earned on moneys in the
22 8 fund on June 30 of any fiscal year shall not revert to the
22 9 general fund of the state but shall remain in the fund and be
22 10 available for expenditure in subsequent years.

22 11 Sec. 29. NEW SECTION. 68A.824 FUNDING.

- 22 12 1. In addition to any moneys appropriated by the general
22 13 assembly to the Iowa voter-owned clean elections fund
22 14 established in section 68A.823, the following moneys shall be
22 15 deposited in the fund:
 - 22 16 a. The qualifying contributions required of candidates
22 17 seeking to become certified as participating candidates
22 18 according to section 68A.802 or 68A.803 and candidates' excess
22 19 qualifying contributions.
 - 22 20 b. Moneys deposited with the fund pursuant to section
22 21 68A.610 or section 423.2, subsection 9A.
 - 22 22 c. The excess seed money contributions of candidates
22 23 seeking to become certified as participating candidates.
 - 22 24 d. Moneys distributed to any participating candidate who
22 25 does not remain a candidate until the primary or general
22 26 election for which they were distributed.
 - 22 27 e. Civil penalties levied by the board against candidates
22 28 for violations of this subchapter.
 - 22 29 f. Voluntary donations made directly to the fund.
 - 22 30 g. Any other sources of revenue designated by the general
22 31 assembly.
- 22 32 2. The general assembly shall appropriate additional funds
22 33 as necessary to fully fund clean election campaign payments
22 34 required under this subchapter.

22 35 Sec. 30. NEW SECTION. 68A.825 POWERS AND PROCEDURES.

23 1 The board shall have the following powers and procedures,
23 2 in addition to those granted in this chapter and chapter 68B,
23 3 when administering this subchapter:

- 23 4 1. After every primary and general election, the board may
23 5 conduct random audits and investigations to ensure compliance
23 6 with this subchapter.
- 23 7 2. The subjects of audits and investigations shall be
23 8 selected on the basis of impartial criteria established by a

23 9 vote of at least four members of the board.
23 10 3. The board may investigate anonymous complaints.
23 11 4. The identity of a complainant may be kept confidential
23 12 if the complainant states in the complaint that revealing the
23 13 identity of the complainant could reasonably result in
23 14 disciplinary action or loss of employment.
23 15 5. The board may seek injunctions when all of the
23 16 following conditions are met:
23 17 a. There is a substantial likelihood that a violation of
23 18 this subchapter is occurring or is about to occur.
23 19 b. The failure to act expeditiously will result in
23 20 irreparable harm to a party affected by the violation or
23 21 potential violation.
23 22 c. Expeditious action will not cause undue harm or
23 23 prejudice to the interests of others.
23 24 d. The public interest would be best served by the
23 25 issuance of an injunction.
23 26 6. The board may levy civil penalties for violations of
23 27 this subchapter. Civil penalties shall be deposited in the
23 28 Iowa voter-owned clean elections fund.
23 29 7. The board shall refer criminal violations to the county
23 30 attorney or attorney general for prosecution.
23 31 8. The board may participate fully in any actions filed
23 32 under this section.
23 33 9. The board shall adopt rules pursuant to chapter 17A as
23 34 necessary to administer this subchapter.
23 35 Sec. 31. NEW SECTION. 68A.826 CIVIL ACTIONS.
24 1 1. A citizen who believes a candidate has violated this
24 2 subchapter may pursue a civil action in a court of relevant
24 3 jurisdiction, provided that both of the following are true:
24 4 a. The citizen has previously filed a complaint regarding
24 5 the same alleged violation with the board.
24 6 b. The board has failed to make a determination within
24 7 thirty days of the filing of the complaint.
24 8 2. A complainant who prevails in a civil action charging a
24 9 violation of this subchapter shall be entitled to receive
24 10 reasonable attorney fees and court costs from the defendant.
24 11 3. If a court in which a civil action has been filed under
24 12 subsection 1 finds that the complaint in that action was made
24 13 frivolously or without cause, the court may require the
24 14 complainant to pay the costs of the board, the court, and the
24 15 defendant parties.
24 16 Sec. 32. NEW SECTION. 68A.827 BOARD REPORTS.
24 17 1. The board shall report to the general assembly after
24 18 each election cycle.
24 19 2. The report shall include a detailed summary of all seed
24 20 money contributions, qualifying contributions, and campaign
24 21 funding benefits received, and expenditures made, by all
24 22 participating candidates. The report shall also include a
24 23 summary and evaluation of the board's activities and
24 24 recommendations relating to the implementation,
24 25 administration, and enforcement of this subchapter.
24 26 Sec. 33. NEW SECTION. 68A.828 REPAYMENTS OF EXCESS
24 27 EXPENDITURES.
24 28 1. If a participating candidate spends or obligates to
24 29 spend more than the clean election funding the candidate
24 30 receives, and if such is determined not to be an amount that
24 31 had or could have been expected to have a significant impact
24 32 on the outcome of the election, the candidate shall repay to
24 33 the Iowa voter-owned clean elections fund an amount equal to
24 34 the excess.
24 35 2. If a participating candidate spends or obligates to
25 1 spend more than the clean election campaign funding the
25 2 candidate receives, and if such is determined to be an amount
25 3 that had or could have been expected to have a significant
25 4 impact on the outcome of the election, the candidate shall
25 5 repay to the Iowa voter-owned clean elections fund an amount
25 6 equal to five times the value of the excess.
25 7 Sec. 34. NEW SECTION. 68A.829 PENALTIES.
25 8 1. A candidate shall not knowingly accept more benefits
25 9 than those to which the candidate is entitled, spend more than
25 10 the amount of clean election campaign funding received, or
25 11 misuse such campaign funding benefits or clean election
25 12 campaign funding.
25 13 2. If a violation of subsection 1 was intentional and
25 14 involved an amount that had or could have been expected to
25 15 have a significant impact on the outcome of the election, the
25 16 candidate commits an aggravated misdemeanor.
25 17 3. If it is determined that the violation of subsection 1
25 18 was intentional and involved an amount that had or could have
25 19 been expected to have a significant impact on the outcome of

25 20 the election, and if, in the judgment of the board, the
25 21 violation is believed to have contributed to the violator
25 22 winning the election, the board may recommend to the
25 23 appropriate authority that proceedings be commenced to remove
25 24 the violator from office or to impeach the violator if
25 25 applicable.

25 26 4. A person shall not provide false information to the
25 27 board or conceal or withhold information from the board. A
25 28 violation of this subsection is an aggravated misdemeanor.

25 29 Sec. 35. Section 422.7, Code 2007, is amended by adding
25 30 the following new subsection:

25 31 NEW SUBSECTION. 50. Subtract, to the extent not otherwise
25 32 excluded, up to two hundred dollars of the amount contributed
25 33 to the Iowa voter-owned clean elections fund pursuant to
25 34 section 68A.824, subsection 1, paragraph f.

25 35 Sec. 36. Section 422.12E, unnumbered paragraph 1, Code
26 1 2007, is amended to read as follows:

26 2 For tax years beginning on or after January 1, 2004, there
26 3 shall be allowed no more than four income tax return checkoffs
26 4 on each income tax return. When the same four income tax
26 5 return checkoffs have been provided on the income tax return
26 6 for two consecutive years, the two checkoffs for which the
26 7 least amount has been contributed, in the aggregate for the
26 8 first tax year and through March 15 of the second tax year,
26 9 are repealed. This section does not apply to the income tax
26 10 return ~~checkoff checkoffs~~ provided in ~~section sections~~ 68A.601
26 11 and 68A.610.

26 12 Sec. 37. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR
26 13 IOWA VOTER-OWNED CLEAN ELECTIONS FUND.

26 14 A person who files an individual or a joint income tax
26 15 return with the department of revenue under section 422.13 may
26 16 designate a contribution to the Iowa voter-owned clean
26 17 elections fund authorized pursuant to section 68A.610.

26 18 Sec. 38. Section 423.2, Code 2007, is amended by adding
26 19 the following new subsection:

26 20 NEW SUBSECTION. 9A. A tax of one percent is imposed upon
26 21 the sales price from any political advertising service.
26 22 Political advertising includes any print, broadcast, or
26 23 electronic advertising which refers to a clearly identified
26 24 candidate for statewide office, the general assembly, city,
26 25 county, school board, or any other political subdivision
26 26 office or has the effect of encouraging a vote for a candidate
26 27 for that office or has the effect of discouraging a vote for a
26 28 candidate for that office, regardless of whether the
26 29 advertising expressly advocates a vote for or against a
26 30 candidate. Moneys collected pursuant to this subsection shall
26 31 be paid over to the Iowa voter-owned clean elections fund, as
26 32 established in section 68A.823.

26 33 Sec. 39. SEVERABILITY. The provisions of this Act are
26 34 severable as provided in section 4.12.

26 35 Sec. 40. EFFECTIVE DATES.

27 1 1. The sections of this Act enacting sections 68A.610 and
27 2 422.12K and amending sections 422.7 and 423.2 are effective
27 3 January 1, 2008.

27 4 2. The remaining sections of this Act take effect November
27 5 3, 2010.

27 6 Sec. 41. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 7 3, shall not apply to this Act.

27 8 EXPLANATION

27 9 This bill amends Code chapter 68A, relating to campaign
27 10 finance law.

27 11 New Code section 68A.401A requires electronic filing by any
27 12 candidate or committee that reaches a \$20,000 threshold, and
27 13 publishers of print and electronic media must file reports of
27 14 media buys pursuant to new Code section 68A.401B.

27 15 The bill enacts a "clean election" model for public
27 16 financing, and enacts new Code section 68A.801, providing
27 17 definitions for key terms related to a clean election model.

27 18 New Code section 68A.823 establishes a separate,
27 19 nonreverting fund in the state treasury for the Iowa
27 20 voter-owned clean elections fund, and new Code section 68A.824
27 21 provides sources of revenue for the fund.

27 22 New Code sections 68A.802 and 68A.803 specify eligibility
27 23 procedures for both party and independent candidates,
27 24 specifying the number and details for collection of qualifying
27 25 contributions.

27 26 New Code section 68A.806 prohibits a participating
27 27 candidate from accepting private funding during the primary
27 28 and general election campaign periods other than certain
27 29 permitted party funding. Contributions in the name of another
27 30 person are prohibited and subject to payment to the board as

27 31 are any applicable penalties. The use of personal funds for
27 32 seed money or as qualifying contributions is limited by new
27 33 Code section 68A.809.

27 34 New Code section 68A.808 limits political party
27 35 contributions and expenditures on behalf of candidates.

28 1 New Code section 68A.810 details the collection of private
28 2 contributions for use as seed money, limited to \$100 per
28 3 individual contributor, and also limited in the aggregate in
28 4 differing amounts for candidates for governor and lieutenant
28 5 governor, for other statewide candidates, for Iowa senate
28 6 candidates, and for Iowa house of representatives candidates.
28 7 Seed money expenditures are limited to the clean election
28 8 qualifying period and seed money contributions and
28 9 expenditures must be fully disclosed at the end of the clean
28 10 election qualifying period.

28 11 New Code section 68A.812 provides for a certification
28 12 process after a candidate applies for clean election campaign
28 13 funding benefits and requires repayment of funds if
28 14 eligibility is revoked. The bill provides for audit and
28 15 judicial review of the certification decision.

28 16 New Code section 68A.813 provides certain benefits for
28 17 participating candidates, including specified amounts of
28 18 public funding pursuant to new Code section 68A.815, mandatory
28 19 participation in debates on public television pursuant to new
28 20 Code sections 68A.811 and 68A.822, and additional limited
28 21 public funding to respond to certain excess expenditures by
28 22 nonparticipating candidates, independent expenditures, and
28 23 electioneering communications expenditures pursuant to Code
28 24 sections 68A.817, 68A.819, and 68A.820. Any candidate who
28 25 accepts benefits during the primary campaign must continue to
28 26 comply with the requirements of the public financing program,
28 27 even if the candidate stops accepting benefits of the program
28 28 at any point during the primary or general election according
28 29 to new Code section 68A.805.

28 30 New Code section 68A.814 provides for a schedule of
28 31 payments to participating candidates, and new Code section
28 32 68A.815 specifies differing total amounts for primary and
28 33 general elections for candidates for governor and lieutenant
28 34 governor, for other statewide candidates, for Iowa senate
28 35 candidates, and for Iowa house of representatives candidates.

29 1 Alternate amounts are provided for uncontested races. Clean
29 2 election campaign funding payments must be used only for
29 3 campaign-related expenses, and cannot be used for payments in
29 4 violation of law or to repay personal or business loans,
29 5 expenditures, or debts, pursuant to new Code section 68A.816.

29 6 Nonparticipating candidates must disclose within 48 hours
29 7 every expenditure in excess of the clean election funding
29 8 allocated to the candidate's participating opponent, that in
29 9 the aggregate is more than \$1,000, pursuant to new Code
29 10 section 68A.817. Contributions to nonparticipating candidates
29 11 are limited in Code section 68A.807. Certain other reporting
29 12 requirements apply during the last 20 days of a campaign.

29 13 All candidates must include a statement with all
29 14 advertisements indicating that the candidate has approved of
29 15 the contents of the advertisement pursuant to new Code section
29 16 68A.818.

29 17 Public television and radio stations receiving any state
29 18 funds must offer certain free coverage for candidate debates
29 19 pursuant to new Code section 68A.822.

29 20 Persons making certain independent expenditures must report
29 21 such expenditures to the board, along with an affidavit
29 22 affirming that the expenditure has not been coordinated with
29 23 the candidate or party, pursuant to new Code section 68A.818.

29 24 Alleged violations of the coordination affirmation are subject
29 25 to an expedited hearing procedure.

29 26 Persons making certain electioneering communications must
29 27 also report to the board pursuant to new Code section 68A.820.

29 28 New Code section 68A.821 provides that the board shall
29 29 administer a voter information program, including an advisory
29 30 council, to provide voters with election-related information,
29 31 including a voter guide with candidate biographical material,
29 32 policy statements, voting records, and whether the candidate
29 33 funds the campaign with public or private money.

29 34 New Code section 68A.825 provides the board with certain
29 35 specific enforcement powers in relation to the new subchapter,
30 1 and new Code section 68A.827 provides for an election cycle
30 2 report to the general assembly on the public funding program.

30 3 New Code section 68A.826 creates a civil right of action
30 4 for citizens alleging that a candidate has violated the law.

30 5 Violations of the public funding program are subject to
30 6 aggravated misdemeanor penalties, pursuant to new Code section

30 7 68A.829. New Code section 68A.828 provides for repayment of
30 8 certain excess expenditures.
30 9 New Code sections 68A.610 and 422.12K create an income tax
30 10 checkoff for the Iowa voter=owned clean elections fund. This
30 11 checkoff allows a person to direct that one dollar and fifty
30 12 cents of that person's state income tax liability be paid over
30 13 to the Iowa voter=owned clean elections fund.
30 14 New Code section 422.7 is amended to provide up to a \$200
30 15 exemption from income for purposes of the individual income
30 16 tax for contributions to the voter=owned clean elections fund.
30 17 New Code section 423.2, subsection 9A, imposes a tax of one
30 18 percent on the sales price from any political advertising
30 19 service. Moneys collected shall be paid over to the Iowa
30 20 voter=owned clean elections fund.
30 21 The sections of the bill enacting the income tax checkoff
30 22 and the 1 percent sale tax take effect January 1, 2008. The
30 23 remainder of the bill takes effect November 3, 2010, which is
30 24 the day after general election day 2010, to allow the new
30 25 system to commence with a new campaign cycle. New Code
30 26 section 68A.804 provides guidelines for dealing with money
30 27 collected by candidates prior to the effective date of the
30 28 public financing program.
30 29 The bill may include a state mandate as defined in Code
30 30 section 25B.3. The bill makes inapplicable Code section
30 31 25B.2, subsection 3, which would relieve a political
30 32 subdivision from complying with a state mandate if funding for
30 33 the cost of the state mandate is not provided or specified.
30 34 Therefore, political subdivisions are required to comply with
30 35 any state mandate included in the bill.
31 1 LSB 1668HC 82
31 2 jr:sc/gg/14.1